

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 3527 of 1999

Between:

M.Shubha Lakshmi, W/o. late R.Venkat Rao,
R/o. Plot No.4, Road No.1,
Sainagar, Mansoorabad, Hyderabad.

..... PETITIONER

AND

- 1 The Officer of the Commandant ,
2 Signal Bn., CRPF,
Hyderabad.
- 2 The Additional D.G.P.(Welfare),
DTE General , CRPF, C.G.O.Complex,
Lodhi Road, New Delhi.

.....RESPONDENTS

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 3527 OF 1999

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ORDER:

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This Writ Petition is filed questioning the proceedings No. A.VI.2/98-EC-VI, dated 15-12-1998 issued by the first respondent, rejecting the case of the petitioner for compassionate appointment.

The husband of the petitioner was working as Radio Operator with the respondent-police and died in the year 1993 while in service. After his death, the petitioner filed an application seeking appointment on compassionate grounds. When the respondents are not considering her application, she approached this Court and filed Writ petition No. 10623 of 1994. This Court disposed of the said Writ Petition, by order dated 26-8-1994, directing the respondents to consider her case. Subsequently, she was offered post of 'Mahila constable' vide proceedings dated 06-07-1998 and 31-7-1998, but, however, she refused to accept the same and claim the post of Assistant Sub Inspector (M). When the said claim is rejected by the impugned order, this Writ Petition is filed.

It is the case of the petitioner, that she is qualified to hold the post of Assistant Sub Inspector (M), and, inspite of the same, she was not given appointment to the said post.

In the counter affidavit filed on behalf of the respondents, it is stated, that in the circular instructions, issued by the Government of India dated 30-6-1987, it is stated, the applicants for compassionate appointment should be eligible in all respects, as per the Recruitment Rules. It is stated, for the post of Assistant Sub Inspector, one should qualify in the written/type test, as per the Recruitment Rules. It is further stated, the petitioner was not qualified in the typing test. However, it is submitted by the learned Counsel for the petitioner that some of the similarly placed persons were exempted from qualifying such test.

So far exemption from possessing required qualification is concerned, it is a matter to be considered by the respondents having regard to facts of each case. The petitioner, who is seeking appointment on compassionate grounds, cannot claim appointment to a particular post, as a matter of right. When the petitioner is not qualified to hold the post of ASI(M), and, offered suitable post, it is for her to opt, or, not. In view of the stand of the respondents that the petitioner was not qualified in the written/typing test, I do not find any illegality in the order passed by the respondents rejecting her claim for appointment to the post of ASI (M). However, as much as the respondents are offering appointment to the post of Mahila constable, and, if the petitioner intends to accept the same, she shall make an application within a period of two weeks from the date of receipt of this order, and, on such filing of application, the respondents shall consider the same and issue appointment orders, if she

is otherwise eligible to hold the post now.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATED: 28-10-2005.

Msnr.